

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable Alan C. Torgerson, United States Magistrate Judge**

**Clerk's Minutes**

**CASE NO.:**     **13cv193 RB/ACT**

**DATE:** **October 9, 2013**

**CASE TITLE:**   **O'Rourke v. Northern New Mexico College et al.**

**COURTROOM CLERK:** N/A

**REPORTER:** N/A

**PROCEEDINGS COMMENCED:** 3:30 PM

**COURT IN RECESS:** N/A

**PLAINTIFF'S ATTORNEYS PRESENT:**  
Samuel Wolf

**DEFENDANT'S ATTORNEYS PRESENT:**  
Mark Basham

**TYPE OF PROCEEDING:** Rule 16 Initial Scheduling Conference

**COURT'S RULING(S):**

I.     The Court set the following case management deadlines:

- a.     This case is assigned to a **standard** track classification. **120 Days**
- b.     Deadline for Plaintiff to amend pleadings or add additional parties: **October 1, 2013**
- c.     Deadline for Defendants to amend pleadings or add additional parties: **October 15, 2013**
- d.     Plaintiff must identify to all parties in writing any expert witness to be used by Plaintiff at trial and provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than: **December 9, 2013**

All other parties must identify in writing any expert witness to be used by such parties at trial and must provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than: **January 8, 2014**

- e.     Discovery is to be completed no later than: **February 6, 2014**
- f.     Motions related to discovery filed and served no later than: **February 26, 2014**
- g.     Pre-Trial Motions other than discovery motions (this includes motions requesting a Daubert hearing) are to be filed no later than: **March 10, 2014**
- h.     Pre-Trial Order from Plaintiff to Defendants no later than: **April 25, 2014**

Pre-Trial Order from Defendants to Court no later than: **May 9, 2014**

II. **Rule 16 Settlement Conference**

The Court discussed the status of any settlement discussions to date.

- a. The Court will set a Settlement Conference on **February 11, 2014, at 9:30 a.m., in Albuquerque, New Mexico.**

III. The parties anticipate that a **4 day jury trial** will be necessary for this case.

**THE COURT MADE THE RULINGS DESCRIBED ABOVE. AN ORDER CONSISTENT WITH THE COURT'S RULINGS WILL BE FILED WITH THE CLERK'S OFFICE**

IV. **Discovery and Motion Practice:**

The Court asked whether Rule 26 initial disclosures have been made:

- a. Plaintiff: ☒ Yes ☐ No. If no, must be made by: **Supp. by 11/12/2013**  
b. Defendants: ☒ Yes ☐ No. If no, must be made by: **Supp. by 11/12/2013**

The Court asked the parties if they anticipated any discovery disputes or issues regarding electronic discovery.

- a. **The Court explained that if the parties encounter a discovery dispute and are unable to resolve it themselves, they may contact the Court to schedule an informal telephonic conference or file a written motion with the Court.**

The Court asked the parties if they anticipate filing any pretrial motions.

The Court asked the parties about the experts they plan to use and the need for a Daubert hearing.

The Court will conduct a telephone Rule 16 discovery status conference on **December 11, 2013, at 2:00 PM.** The parties are to call chambers on the "meet-me-conference line" at (505) 348-2688.

V. **ADDITIONAL MATTERS:**

There was nothing further and the hearing was adjourned.